

212/740US

Remarks

Claims 1 through 18 remain pending in the application.

The Office Action rejects claims 1 and 2 as anticipated by Masuda, Wireless Communication Restriction Device, Repeater And Base Station, U.S. Pub. 2004/0203911 (October 14, 2004) under the assertion that Masuda discloses a wireless communication restriction device with a repeater and base station with a gateway antenna disposed at an entrance point of an enclosed environment

However, Masuda's Figure 4 is explicitly directed toward a system for disrupting communications between the base station and the mobile phone. As the Examiner notes, Masuda discloses a wireless communication restriction device. According to Masuda, the uplink/downlink signals depicted between the moving base station and the repeater are different uplink/downlink signals than those depicted between the moving base station and the mobile phone, because the clear intent of the system, according to Masuda, is to disconnect the mobile phones and notify cell phone users of the disconnection, as seen in the following excerpt:

"The moving base station 410 is provided with the following functionality. When the mobile terminal 120 is initiating communication of an attribute for which its use is banned inside the coach 100 or a mobile terminal that is engaged in communication of an attribute for which its use is banned inside the coach 100 is handed over to the moving base station, the moving base station notifies the mobile

212/740US

terminal user of disconnection by a voice or visual message and discontinues the communication.

Claims 1 and 2, however, require that the auxiliary repeater relay the downlink and uplink RF signals using the donor antenna and the server antenna. Relaying the downlink and uplink RF signals enables communication. Masuda expressly teaches, in reference to his Figure 4, that the signal is not be relayed but is instead to be replaced so as to disable communication between the cell phone and the cell. According, Masuda does not anticipate claim 1 or 2.

Claims 9 and 10 (which are dependent on claim 1) are also rejected as anticipated by Masuda, under the assertion that Masuda also discloses a control station for converting downlink control data into corresponding downlink control signals, and for converting uplink RF signals into uplink signaling data, and a first combiner/decombiner for combining downlink RF signals and downlink control RF signals for transmission by the gateway antenna, and for separating uplink RF signals from uplink signaling RF signals received by the gateway antenna, etc. Regarding claim 10, the Office Action further asserts that Masuda, in paragraph 0020, discloses the claimed feature of controlling the mobile conveyance based on driver signals. Claims 9 and 10 include the limitations of the base claims, and are therefore not anticipated by Masuda as discussed above in relation to the base claims. Regarding claim 10, Masuda's paragraph 0020 does not mention the claimed feature of controlling the mobile conveyance based on driver signals. Accordingly, neither claim 9 nor claim 10 is anticipated by Masuda.

212/740US

The Office Action rejects claim 3 as obvious over Masuda in view of Moriya, Mobile Communication System Including Service Management Of Traffic Machines, U.S. Patent 6,108,535 (Aug. 22, 2000), under the assertion that Masuda discloses the limitations of claims 1 and 2, and that Moriya discloses a service management system in a lift shaft with a lift car and a gateway antenna in the ceiling of the lift shaft. The Office Action further asserts that it would have been obvious at the time of the invention to incorporate a lift shaft and car into a wireless communication restriction device, in order to reduce a user's operation and waiting time, indicating that this motivation is stated at col. 3, ll. 3-10 of Moriya.

As stated above, the features of Masuda relied upon to establish the elements of claim 1 establish a system which disables wireless communication in an enclosed environment (this is the explicit teaching of Masuda). Moriya provides a system for managing the handover of a cell phone to various cells established on different floors of a building. Moriya states that a benefit of his system is reduced wait time, presumably because the system predicts user appearance in cells and arranges for immediate communication with the cell. Moriya does not provide for continuous communication within the lift car. The cited motivation, that of reducing waiting time, does not affect the problem solved by the claimed invention. The Examiner does not explain how the proffered motivation of reducing wait time might lead one of skill in the art to make the claimed modifications, and it does not appear that a desire to reduce wait times would motivate one of skill in the art to make modifications to solve the Applicants problem of providing communications in heretofore impossible situations. Wait time

212/740US

is immaterial to the problem solved. Furthermore, the mere identification of a benefit that might be obtained by the claimed invention sheds little light on the critical question as to whether or not one of skill in the art would be motivated to make the claimed combination to achieve that benefit. Because the claimed combination is not suggested by any motivation identified in the art, the claimed combination is non-obvious and patentable.

Regarding claim 11, the Examiner's proposed combination does not result in the claimed invention. Neither reference appears to disclose a driver for controlling the mobile conveyance and a sensor for producing signals based on the status of the mobile conveyance. Accordingly, no prima facie case of obviousness has been made out.

Claim 12 is rejected as obvious, on the same basis as claim 3. As discussed in reference to claims 3, the features of Masuda relied upon to cobble together the claimed invention actually establish a system which disables wireless communication in an enclosed environment (Masuda), and enhance re-initiation of communication when a user leaves the enclosed environment (Moriya). Moriya provides a system for managing the handover of a cell phone to various cells established on different floors of a building. Moriya states that a benefit of his system is reduced wait time, presumably because the system predicts user appearance in cells and arranges for immediate communication with the cell. Moriya does not provide for continuous communication within the lift car. The cited motivation, that of reducing waiting time, does not affect the problem solved by the claimed invention. The Examiner does not explain how the proffered motivation of reducing wait time might

212/740US

lead one of skill in the art to make the claimed modifications, and it does not appear that a desire to reduce wait times would motivate one of skill in the art to make modifications to solve the Applicants problem of providing communications in heretofore impossible situations. Wait time is immaterial to the problem solved. Furthermore, the mere identification of a benefit that might be obtained by the claimed invention sheds little light on the critical question as to whether or not one of skill in the art would be motivated to make the claimed combination to achieve that benefit. Because the claimed combination is not suggested by any motivation identified in the art, the claimed combination is non-obvious and patentable.

The dependant claims should be allowable upon allowance of the base claims.

Conclusion

This response has addressed all of the Examiner's grounds for rejection. The rejections based on prior art have been traversed. Reconsideration of the rejections and allowance of the claims is requested.

Date: November 30, 2006

By: 

K. David Crockett, Esq.
Reg. No. 34311